SINGLE BENCH (4)

C.S. 10/-

CF 1002

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

W.P. (C) NO. 4964 / 2006

Petitioner : Besahu Ram
(Defendant) S/o Tejan
Aged about 42 years,
Occupation – Service (S.E.C.L.)
Bishrampur, Sub Area New
Kunda, R/o Judebani,
P.S.Jainagar, Tehsil – Surajpur,
Dist : Sarguja – (C.G.)

P.R. No. 4978/06
Presented by Shri A.N. Pandey
dated 2/9/06

Versus

Respondents : 1. Amar Sai
(Plaintiff) S/o Jagram,
Aged about 26 years,
Caste – Rajwar,
Occupation – Service (S.E.C.L.)
Bishrampur, Sub Areal
Balrampur,

2. Beer Sai
S/o Jagram,
Aged about 24 years,
Caste-Rajwar,

Both are R/o village – Karwan,
P.S.Jai Nagar,
Tehsil – Surajpur,
Dist : Sarguja-(C.G.)

HIGH COMMISSIONER'S OFFICE BILASPUR TAHSIL
(S.R. Kaushik)
7/9/06

WRIT PETITION U/A 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4964 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19.09.2006 Shri A.N. Pandey, learned counsel for the petitioner. By the instant petition filed under Article 227 of the Constitution of India the petitioner has impugned the order dated 17.7.2006, by which prayer of the petitioner for taking the written statement filed on 2.9.2005 on record, has been rejected. Learned counsel for the petitioner submits that the petitioner is an illiterate poor person and therefore, the Court below ought to have afforded one more opportunity to the petitioner to file written statement as the same was filed on 2.9.2005. However, the application preferred by the petitioner was surreptitiously rejected by the Court below. I have heard learned counsel for the petitioner. From perusal of the order sheets of the trial Court filed by the petitioner as Annexure P-1, it is found that the petitioner appeared before the trial Court on 20.1.2005 and thereafter, on the prayer of the petitioner the matter was adjourned on five occasions and ultimately on 5.7.2005, the opportunity of the petitioner to file written statement was closed on the prayer of the respondents and his application to file written statement was also rejected as he did not file the same earlier despite being afforded with many opportunities.	

XI-HC-78

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....W.P. 4964.... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

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	In the result, I do not find any illegality in impugned order committed by the Court below which warrants interference under Article 227 of the Constitution of India and accordingly the petition deserves to be dismissed at the admission stage itself and it is hereby dismissed. In view of the above, M.W.P.No. 3829/06 stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.